



COUNTY OF LOS ANGELES

CONTRACT CITIES LIABILITY TRUST FUND CLAIMS BOARD

500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012

MEMBERS OF THE BOARD

Curtis Morris
City Council Member
Mark R. Alexander
City Manager
Margaret Finlay
City Council Member
Jerome Groomes
City Manager
Susan Dever
City Council Member
Michael J. Egan
City Administrator
Sam Olivito
California Contract
Cities Association

September 7, 2006

Honorable Board of Supervisors
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Re: Rodney Chweya v. County of Los Angeles
United States District Court Case No. CV 00-07150 FMC

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$125,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department - Contract Cities Liability Trust Fund - Bellflower.

Enclosed is the settlement request and a summary of the facts of the case.

The Corrective Action Report by the Sheriff's Department is being transmitted to you under separate cover.

Return the executed, adopted copy to Georgene Salisbury, Suite 648
Kenneth Hahn Hall of Administration, Extension 4-1803.

Very truly yours,

Curtis Morris, Chair
Los Angeles County Contract Cities
Liability Trust Fund Claims Board

CM/rfm

Enclosures

HOA.390438.1

MEMORANDUM

July 24, 2006

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES
LIABILITY TRUST FUND CLAIMS BOARD

FROM: ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

TREVOR GRIMM
Manning and Marder, Kass Ellrod Ramirez

RE: **Rodney Chweya v. County of Los Angeles**
United States District Court Case No. CV 00-07150 FMC

DATE OF
INCIDENT: July 17, 1998

AUTHORITY
REQUESTED: \$125,000

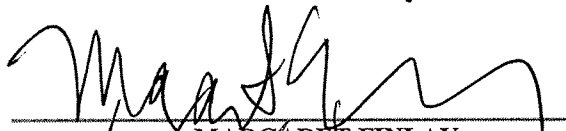
COUNTY
DEPARTMENT: Sheriff's Department - Contract City of Bellflower


CLAIMS BOARD ACTION:

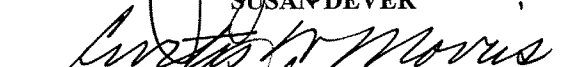
☐ Approve


☐ Disapprove

☐ Recommend to Board of
Supervisors for Approval


_____, City Council Member
MARGARET FINLAY


_____, City Council Member
SUSAN DEVER


_____, City Council Member
CURTIS MORRIS


_____, City Manager
MICHAEL J. EGAN


_____, City Manager
JEROME GROOMES


_____, City Manager
MARK ALEXANDER


_____, California Contract Cities Association
SAM OLIVITO

on September 6, 2006

SUMMARY

This is a recommendation to settle for \$125,000, a federal civil rights lawsuit filed by Rodney Chweya, who claims that he was falsely arrested and maliciously prosecuted by a Sheriff's Deputy.

LEGAL PRINCIPLES

A peace officer may be liable for a violation of federal civil rights if he/she arrests a person without probable cause. Similarly, it is a civil rights violation to maintain a criminal prosecution against an individual without probable cause to believe that a crime has been committed.

SUMMARY OF FACTS

On July 17, 1998, a Sheriff's Deputy who was on special assignment regarding curfew violations in the City of Bellflower, saw a group of young people standing outside on Park Street after 10 p.m., which was the local curfew. The Deputy asked them how old they were, and was told they were all 17 years old or younger. The Deputy told them all to go home.

Several minutes later, the Deputy noticed that the group had not dispersed, and he approached to inform them he was going to issue them citations. At that point, one of the group, Rodney Chweya, told the Deputy that he was actually 18 years old. The Deputy asked to see some identification. According to the Deputy, when he reached for Mr. Chweya's identification, Mr. Chweya pushed the Deputy in the chest and ran away.

The Deputy was unable to catch Mr. Chweya, but he wrote a criminal report regarding the incident, charging Mr. Chweya with battery on a peace officer and resisting a peace officer in the performance of his duties.

Mr. Chweya was subsequently arrested on August 13, 1998. He was prosecuted on the battery on a peace officer charge only, and the trial resulted in a hung jury. At the trial, a neighbor who claimed to have witnessed the incident testified that Mr. Chweya did not push the Deputy.

This civil lawsuit followed. We were initially successful in having this lawsuit dismissed, but the dismissal was overturned by the Ninth Circuit Court of Appeal.

DAMAGES

Should this matter proceed to trial, we estimate the potential damages could be as follows:

Emotional distress	\$100,000
Criminal attorneys' fees	\$ 50,000
Civil rights attorneys' fees	<u>\$200,000</u>
Total	<u>\$350,000</u>

The settlement calls for the County to pay Mr. Chweya \$125,000 for all of his claims for damages, costs and attorneys' fees.

STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement. Expenses incurred by the County in defense of this action are attorneys' fees of \$122,786 and \$8,504 in costs.

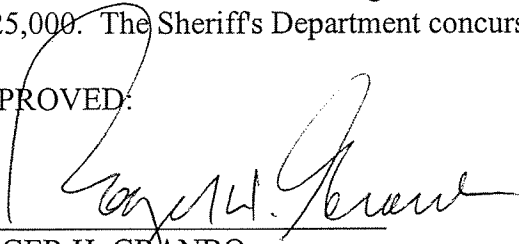
The fees in this case are relatively high because we retained attorney Skip Miller to represent the members of the Board in this matter, in addition to the attorneys for the County and the Deputy. Also, we were initially successful in having the case dismissed, but had to respond to an appeal by Mr. Chweya in the Ninth Circuit Court of Appeals.

EVALUATION

This is a case of disputed liability. The Deputy claims he was pushed by Mr. Chweya while performing a routine curfew check. However, a neighbor has testified that Mr. Chweya did not push the Deputy. Even though Mr. Chweya admitted that he ran from the Deputy, which amounts to resisting a peace officer in the performance of his duties, Mr. Chweya was only charged with battery on a peace officer, which resulted in a hung jury. A reasonable settlement at this time will avoid further litigation costs and a potential verdict that could exceed the proposed settlement.

We join with our private counsel, Manning and Marder, Kass
Ellrod Ramirez in recommending settlement of this matter in the amount of
\$125,000. The Sheriff's Department concurs in the recommendation.

APPROVED:



ROGER H. GRANBO
Assistant County Counsel
Law Enforcement Services Division

RHG:scr